

**SERIAL NO: 10/073,724**

**August 8, 2003**

**REMARKS**

The present application has been carefully studied and amended in view of the outstanding Office Action dated May 15, 2003, and reconsideration of that Action is requested in view of the following comments.

As noted in the Office Action, items 43, 45 & 76 specified in the specification are not on the drawings. Upon researching this, the applicant found item 43 in FIG. 33 and item 76 in FIG. 22. As indicated in the Office Action, item 45 is not shown. Please delete this item from the specification. For convenience both drawings are attached.

Fundamentally, the vacuum cleaner bag of the present invention comprises a bag-shaped cavity formed of permeable and impermeable media portions for the storage of dirt. An inlet is provided for conveying the dirt into the cavity and a dry permeable media portion is for retaining dirt in the cavity as clean air exits the bag through the permeable portion. A resealable opening comprising intricate continuous profiles that are engaged and disengaged by the motion of a slider is for opening and reclosing the bag for the purpose of removing dirt from the bag for bag reuse.

In the outstanding Office Action pending claims 1-18 stand provisionally rejected under the judicially created doctrine of double patenting over copending Application No. 09/847,808. Amended Claim 1 including a resealable opening comprising interlocking continuous profiles and a slider for engaging and disengaging profiles is different than claims 1-10, 12-16, 18 and 21-23 of copending Application No. 09/847,808.

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Furthermore, Claims 1, 2, 5, 8-11, 13, 16, 17, 19 and 20 are rejected in the outstanding Office Action as being anticipated by any one of Witte US 1,802,228 ("Witte"), Patterson et al US 1,504,136 ("Patterson"), Ford US 1,403,112 ("Ford") and Heiman et al US 3,961,921 ("Heiman").

Witte illustrates and describes a preferably nonporous dust bag 1 having a chamber 8, a conduit 4 that is sewn to the interior of the bag along with a series of baffles 10 and 11 having lunar openings 13, and a filter 12. In Witte's bag dust laden air enters the bag and passes through the conduit until reaching the chamber that houses the baffles wherein the dust laden air is forced to follow a circuitous path through the lunar openings in the baffles thereby causing the large dust to fall into the chamber and fine dust ultimately enters the filter allowing pure air to exit the bag. Witte is quite different than the present invention in that Witte includes the additional features of an interior conduit and baffles having lunar openings. The present invention as defined in amended claim 1 and the remaining dependant claims distinguishes over Witte in that the system includes a resealable opening comprising interlocking continuous profiles and a slider for engaging and disengaging profiles.

Patterson is also quite different than the present invention as defined in the amended claim 1 and remaining dependant claims. Patterson illustrates and describes a non-porous bag made of paper having a receptacle 1, mouth 2, a porous section 6 and a clamp 8. Patterson employs a clamp to close the bag open. Patterson fails to disclose or

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suggest a resealable opening comprising interlocking continuous profiles and a slider for engaging and disengaging profiles that provides a leak-proof seal and greater convenience to the operator of the vacuum cleaner than a clamp.

In addition, Ford is also quite different than the present invention as defined in amended claim 1 and remaining dependant claims. Ford illustrates and describes a dust bag 8, having an enlarged portion 10 that is adapted to hang down, clamp 11, pocket 15', and fabric 12. Unlike the present invention, the functionality of Ford's bag relies on a peculiarly shaped dust bag having a glazed inside surface in combination with permitting air to escape from one point thereof. Moreover, Ford's bag has an open end that is closed by folding over the bag and clamping it in position with a spring clamp 11. An alternative design provided by Ford shows the use of hoop 21 for clamping the bag end shut. Ford fails to disclose or suggest the more leak-proof and convenient resealable opening comprising interlocking continuous profiles and a slider for engaging and disengaging profiles as described in amended claim 1.

Heiman is also quite different than the present invention as described in amended claim 1 and remaining dependant claims. The impermeable bag 160 of Heiman is placed in tank 12 to serve as a liner for the tank. The bag mouth 162 is suspended over the tank opening 20. Furthermore, Heiman provides vent openings 164 to equalize the pressure between the inside and outside of the bag. Heiman is different than the present invention as described in amended claim 1 in that they fail to disclose or suggest that the bag mouth

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has a resealable opening comprising interlocking continuous profiles and a slider for engaging and disengaging profiles, nor does they disclose or suggest that the vents have the ability to contain dirt in the bag.

In the outstanding Office Action, Claims 3 and 4 stand rejected as rendered obvious by the combination of any one of Witte US 1,802,228 ("Witte"), Patterson et al US 1,504,136 ("Patterson"), Ford US 1,403,112 ("Ford") or Heiman et al US 3,961,921 ("Heiman") taken in combination with Kaczor US 6,007,594 ("Kaczor").

Although Kaczor discloses a reusable vacuum cleaner bag wherein the bag has an end for opening and closing the bag to remove dirt so that the bag can be reused, the open end of Kaczor is different in that of the present invention in that it does not include interlocking continuous profiles and a slider for engaging and disengaging profiles. Specifically, Kaczor provides an resealable outlet opening 28 comprising a first lip 34 and a cooperating second lip 40, which are sealed together to close the vacuum cleaner bag with zip sealing means 50. Kaczor's zip seal is different than the profiles of the present invention in that the zip seal contains intrinsic hard polymer strands 52a, 52b, and 53a molded in a softer polymer sheet 51a and 51b. In addition, the outlet of Kaczor is different from the present invention in that the zip seal of Kaczor is closed solely by compression and he fails to disclose or suggest intricate continuous profiles that are oriented and engaged for closure and reopening with the assistance of a slider. The intricate profiles provide a stronger closure and a more difficult leak-path than a compression closure,

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which is necessary to withstand the high back pressure a vacuum cleaner bag experiences when it becomes full of dirt. With the compression closure of Kaczor, the operator risks the closure opening under high back pressure situations such as when the bag is overfilled. Furthermore, Kaczor fails to disclose or suggest impermeable media portion.

Finally, in the outstanding Office Action, Claims 6, 7, 12, 14, 15, 18 stand rejected as rendered obvious by the combination of any one of Witte US 1,802,228 ("Witte"), Patterson et al US 1,504,136 ("Patterson"), Ford US 1,403,112 ("Ford") or Heiman et al US 3,961,921 ("Heiman") with Dyson US 6,010,561, George US 5,507,847, Lovett et al US 6,277,165, and Zang US 6,156,086, respectively. Additionally, secondary references are applied with respect to enhanced features of the invention as cited in dependant claims.

However, the primary position of the applicant is distinguishing the basic invention from the combination of any of the four primary references taken with the secondary references.

The additional secondary references do not address the deficiencies of Witte, Patterson, Ford or Heiman in combination with any one of Dyson, George, Lovett or Zang and therefore are not discussed in any particular detail.

Accordingly, in the absence of additional prior art of increased pertinency, it is abundantly clear that the present invention as defined in the claims clearly distinguishes from the prior art cited and applied in the Office Action. A formal Notice of Allowance is respectfully requested. Moreover, Examiner Pham is invited to telephone applicant at the number indicated below to discuss this response and the merits of the present invention.

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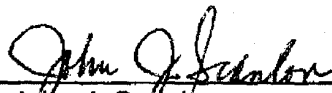
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I, John J. Scanlon, a pro se applicant, respectfully request under MPEP § 707.07(j) that if Examiner Pham finds subject matter disclosed in this application, but feels that Applicant's present claims are not entirely suitable, that the Examiner draft one or more allowable claims for the applicant.

Respectfully Submitted,

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Enclosure: Appendix 1

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**APPENDIX 1 - MARKED-UP COPY OF CLAIMS**

1. (Currently amended) A vacuum cleaner bag comprising: a dry bag-shaped cavity formed of [an] permeable and impermeable media portions ~~[forming a cavity]~~ for storing [a] dirt; an inlet for ~~[attachment of said bag to a vacuum cleaner and for]~~ conveying [said] dirt into said cavity; and ~~[an integrally connected air permeable particle separator means sealed over an exit hole in said impermeable media for retaining said dirt in said cavity as a clean air exits said bag]~~ a resealable opening comprising interlocking continuous profiles and a slider for engaging and disengaging profiles for closing and opening said bag.
2. (Currently amended) ~~[The]~~ A vacuum cleaner bag ~~[of]~~ as in claim 1 ~~[further]~~ wherein said media portion is hydrophobic. ~~[comprising a re-sealable bag open end means for removing said dirt and reusing bag].~~
3. (Cancelled)
4. (Cancelled)
5. (Currently amended) A vacuum cleaner bag as in claim 1 wherein ~~[The air-permeable particle separator]~~ permeable media ~~[of claim 1 wherein air-permeable particle separator means]~~ comprises [is] air-permeable material capable of separating dirt from airflow.
6. (Currently amended) A vacuum cleaner bag as in claim 1 wherein said permeable media ~~[The air-permeable particle separator means of claim 1 wherein air-permeable~~

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~~particle separator means is~~ includes a frame ~~[sealed to said exit hole of said impermeable media]~~ and a pleated media ~~[is]~~ sealed in said frame.

7. (Currently amended) A vacuum cleaner bag as in claim 1 wherein said permeable media ~~[The air permeable particle separator means of claim 1 wherein]~~ includes at least one layer ~~[is]~~ of expanded polytetrafluoroethylene ~~[(PTFE) membrane]~~.

8. (Currently amended) A vacuum cleaner bag as in claim 1 wherein said permeable media ~~[The air permeable particle separator means of claim 1 wherein]~~ includes at least one layer ~~[is]~~ of microfiberglass.

9. (Currently amended) A vacuum cleaner bag as in claim 1 wherein said permeable media ~~[The air permeable particle separator means of claim 1 wherein]~~ includes at least one layer ~~[is]~~ of paper.

10. (Currently amended) A vacuum cleaner bag as in claim 1 wherein said permeable media ~~[The air permeable particle separator means of claim 1 wherein]~~ includes at least one layer ~~[is]~~ of non-woven.

11. (Currently amended) A vacuum cleaner bag as in claim 1 wherein said permeable media ~~[The air permeable particle separator means of claim 1 wherein]~~ includes at least one layer ~~[is]~~ of electrostatic media.

12. (Currently amended) A vacuum cleaner bag as in claim 1 wherein said ~~[The]~~ said impermeable media ~~[of claim 1 wherein said impermeable media]~~ is transparent for observing contents ~~[of]~~ within said bag.



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13. (Cancelled)

14. (Currently amended) ~~[The]~~ A vacuum cleaner bag ~~[of]~~ as in claim 1 further  
~~[comprising]~~ including antimicrobial materials.

15. (Currently amended) ~~[The]~~ A vacuum cleaner bag ~~[of]~~ as in claim 1 further  
~~[comprising]~~ including odor modification means.

16. (Currently amended) ~~[The]~~ A vacuum cleaner bag ~~[of]~~ as in claim 1 wherein ~~[air-]~~  
said permeable media ~~[particle separator]~~ is replaceable.

17. (Currently amended) ~~[The]~~ A vacuum cleaner bag ~~[air-permeable particle separator~~  
~~means of]~~ as in claim 1 wherein said ~~[air-]~~ permeable media ~~[particle separator means~~  
~~is protected by]~~ includes a shield.

18. (Currently amended) ~~[The air-permeable separator means of]~~ A vacuum cleaner  
bag as in claim 1 ~~[further comprising]~~ wherein said permeable media includes a pre-  
filter ~~[means]~~.

19-20. (Cancelled)